

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

OPEN MRI AND IMAGING OF RP
VESTIBULAR DIAGNOSTICS, P.A.,

Plaintiff,

v.

HORIZON HEALTHCARE SERVICES,
INC. d/b/a HORIZON BLUE CROSS
BLUE SHIELD OF NEW JERSEY,

Defendant.

Civil Action No. 21-10991-WJM-AME

ORDER

THIS MATTER having come before the Court for an in-person oral argument on October 17, 2023, on the motion of Defendant / Counterclaim Plaintiff Horizon Healthcare Services, Inc. d/b/a Horizon Blue Cross Blue Shield of New Jersey (“Horizon”), at D.E. 153; for sanctions and dispositive relief against the Vestibula Defendants (“Horizon’s Motion”);¹ and the Court having determined that an evidentiary hearing is necessary to resolve Horizon’s Motion; and for the reasons stated on the record and good cause shown,

IT IS on this 1st day of November, 2023,

ORDERED that the Court will hold an evidentiary hearing at a date to be set by further order, in Courtroom 2D of the Martin Luther King Federal Courthouse, 50 Walnut Street, Newark, New Jersey, concerning the assertions made by Vestibula Defendants Stephen Conte,

¹ For purposes of this Order, the “Vestibula Defendants” consist of the following Counterclaim Defendants: Open MRI and Imaging of RP Vestibular Diagnostics, P.A.; Open MRI and Imaging of Rochelle Park, P.A.; Vestibula Diagnostics, P.A. d/b/a Vestibular Diagnostics, P.A.; Universal Wellness Medical, Inc.; Longevity Wellness, P.A.; St. Irene Realty Corp.; Stephen J. Conte D.O.; Stephen J. Conte, Jr.; and Eugene DeSimone, M.D.

Jr. and Stephen Conte, Sr., and the Vestibula Defendants' former counsel, Jeffrey B. Randolph, Esq., as well as all other matters relevant to Horizon's Motion; and it is further

ORDERED that Vestibula Defendants Stephen Conte, Jr. and Stephen Conte, Sr. shall appear at the hearing to testify on all matters relevant to Horizon's Motion;² and it is further

ORDERED that the parties shall meet and confer on a mutually convenient date for the in-person evidentiary hearing. No later than **November 10, 2023**, the parties shall file a joint letter confirming their availability to appear for the hearing on any of the following dates and times: November 27, 2023, at 10:00 a.m., or 1:00 p.m.; December 6, 2023, at 1:00 p.m.; December 15, 2023, at 1:00 p.m.; December 20, 2023, at 1:00 p.m.; January 4, 2023, at 10:00 a.m., or 1:00 p.m.; or January 9, 2024, at 10:00 a.m.; and it is further

ORDERED that in the interests of justice and judicial economy, the Clerk of Court shall administratively terminate Horizon's Motion [D.E. 153].

/s/ André M. Espinosa
ANDRÉ M. ESPINOSA
United States Magistrate Judge

² As stated during the October 17 argument, the Court deems the appearance and testimony of Jeffrey B. Randolph, Esq. necessary. Accordingly, upon scheduling the evidentiary hearing, the Court will order the issuance and service of a subpoena to command Mr. Randolph's appearance and testimony at the hearing.